

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Turner Jr. *et al.*

Serial No.: 09/870,113

Filed: 05/30/2001

For: Novel Human Mitochondrial Proteins and
Polynucleotides Encoding the Same



Group Art Unit: 1652

Examiner: M. Rao

Atty Docket No.: LEX-0182-USA

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
Alexandria, VA 22313

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed August 7, 2003 ("Final Action"), finally rejecting claims 1 and 3-16. The fee as required under 37 C.F.R. § 1.17(b) for filing this Notice of Appeal is \$165.00, and the Commissioner is hereby authorized to deduct this fee from Applicants' Representatives' Deposit Account No. 50-0892.

A Petition for an Extension of Time of three months to and including February 7, 2004, which falls on a Saturday and is therefore extended until Monday, February 9, 2004 under 37 C.F.R. § 1.7, and authorization to deduct the fee as required under 37 C.F.R. § 1.17(a)(3) from Applicants' representatives Deposit Account were filed in the concurrently submitted response to the Final Office Action in this case. The Notice is thus timely filed, and Applicants believe no fees in addition to the fees for filing the Notice of Appeal and the extension fee authorized in the response to the Final Office Action are due in connection with this communication. However, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason related to this communication, the Commissioner is authorized to consider this document a petition, and charge any underpayment or credit any overpayment to Applicants' Representatives' Deposit Account No. 50-0892.

02/17/2004 DTESSEM1 00000088 500892 09870113

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February 9, 2004
Date

Respectfully submitted,

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Agent For Applicants

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